

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
OFFICE OF FINANCIAL AND INSURANCE SERVICES

In the matter of:

Kimberly J. Fricke and
Professional Concepts Ins. Admin., Inc.

Enforcement Case No. 04-2920
Case No. 04-445-L
Docket No. 2004-1229

Respondents

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*Issued and entered
on March 3, 2005
by Linda A. Watters
Commissioner*

CONSENT ORDER AND STIPULATION

A. Findings of fact and conclusions of law

1. At all pertinent times, Kimberly J. Fricke (Respondent) was a licensed resident insurance producer, transacting business in the State of Michigan, having been licensed by OFIS on April 24, 1997. Kimberly J. Fricke was the primary shareholder of Professional Concepts Insurance Administrators, Inc.
2. At all pertinent times Professional Concepts Insurance Administrators, Inc. (Respondent) was a licensed resident agency, transacting business in the State of Michigan, having been licensed by OFIS on October 4, 2002.

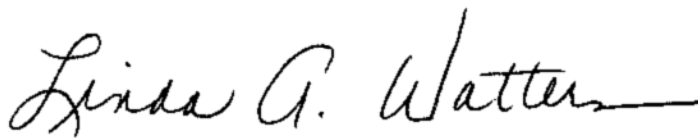
3. Between October 1, 2003 and June 30, 2004, Respondent collected in excess of \$3,000,000 in premiums from attorneys purchasing legal malpractice insurance underwritten by ProNational Insurance Company (ProNational).
4. Under the terms of Respondent's agreement with ProNational, Respondents were required to remit collected premiums, net of commission, within 60 days of the end of each calendar quarter in which the premiums were received by Respondents.
5. Between June 1, 2003 and December 31, 2003, Respondents collected \$93,652 in premium from twenty-five different law firms and individual lawyers.
6. Respondents only remitted \$5,436 of the collected premium to ProNational, the company it was owed, leaving a balance owed of \$88,216.
7. Between January 1, 2004 and March 31, 2004, Respondents collected \$2,734,585 in gross premium from over seven hundred different law firms and individual lawyers. Net of commissions, \$2,031,384 was due to ProNational by May 31, 2004. Respondents failed to remit any of the collected premiums to ProNational, the company to whom it was owed.
8. Between April 1, 2004 and June 30, 2004, Respondents collected \$1,047,150 in gross premiums from over three hundred different law firms and individual attorneys. Net of commission, \$779, 642 in premiums due by August 31, 2004 have not been remitted to the company it is owed.

9. By failing to remit the monies held in a fiduciary capacity to the company it is owed, Respondents have violated section 1207(1) of the Insurance Code and failed to maintain the standards required by section 1239(1)(h) of the Insurance Code.

B. ORDER

Based on the findings of fact and conclusions of law above and Respondents' stipulation, it is ORDERED that:

1. Respondents shall immediately cease and desist from operating in such a manner as to violate Sections 1207(1) and 1239(1)(h) of the Code.
2. Respondents shall pay to the State of Michigan, through the Office of Financial and Insurance Services, a civil fine in the aggregate amount of twenty-five thousand dollars (\$25,000). The fine shall be paid within thirty (30) days of the date of issuance of this order. Failure to timely pay the fine will result in **automatic suspension** of Respondents' licenses until such time as the fine is paid in full.



Linda A. Watters
Commissioner